



January 29, 2013

Members of the Colorado Senate Judiciary Committee

RE: NCHRA Opposition to SB13-062

Dear Members of the Colorado Senate Judiciary Committee:

This letter will inform you that the Northern Colorado Human Resource Association (NCHRA) is **OPPOSED** to SB13-062, for the reasons summarized below. The NCHRA is a non-profit, professional organization dedicated to promoting human resource ("HR") excellence by providing support, resources and development opportunities to Northern Colorado-based HR professionals. Our Membership includes more than 200 HR professionals who work with area employers employing tens of thousands of Colorado residents. NCHRA firmly believes in driving best practices that help recruit, retain, develop and engage employees. By so doing, we have leveraged the power of human resource practices to actively support the success of local area businesses for more than 30 years.

NCHRA strongly opposes SB13-062. The bill would create a new right of action against any private business open to the public (including non-profit organizations) that prohibits carrying firearms on the premises, whether concealed or open, if the business does not employ at least 1 armed security guard for every 50 persons present on the premises, and an invitee on the premises incurs damages "as a result of actions taken by another person against which the invitee could have defended himself or herself with a firearm...."

Many HR professionals are unfortunately quite familiar with workplace situations that can sometimes involve highly-charged emotions and increased risks of violence, such as co-worker disputes, disciplinary and/or termination communications, and other potentially volatile situations. Bureau of Labor Statistics (BLS) data confirm that more than 1,500 occupational homicides occurred from 1997 to 2010 in which the assailant was either a co-worker or former co-worker (894 deaths) or a customer/client (618 deaths). Adopting and enforcing a workplace rule prohibiting employees from bringing firearms or other weapons onto the employer's premises is one proactive step many Colorado employers have taken seeking to reduce easy availability and quick access to firearms in the sometimes emotionally-volatile work environment. Over 78% of the workplace homicides reported in BLS data for 2011 involved a firearm (201 deaths caused by pistol, handgun or revolver; 51 deaths caused by rifle or shotgun). While this bill stops short of an outright prohibition against employer rules limiting firearms on their premises, it would nonetheless obviously create a new legal risk for employers who choose to include a prohibition against bringing firearms onto work premises among their workplace policies. The NCHRA opposes any diminution of the rights of employers to prohibit the presence of firearms on employer-controlled premises.

The provision of the bill that would provide a defense to the new civil action if the employer were to hire at least one (1) armed security guard for every 50 persons present on the premises may be subject to criticism on several levels. The provision implies that an employer who declines to hire armed security guards at the specified ratio is somehow acting unreasonably, in a manner that can then produce legal liability, much like a traditional negligence claim, but with an erroneous standard of care imposed. The provision also erroneously assumes that bringing more firearms into places open to the public (at a ratio of at least one firearm available per 50 persons present) would necessarily make those places safer, ignoring obvious other possible effects, such as misconduct by armed security guards, other persons overpowering a security guard or otherwise obtaining access to a guard's firearm, incentivizing would-be attackers to bring greater firepower in order to deal with armed security guards, and other possible unintended effects that many employers may quite appropriately conclude do not contribute to a safe work environment.

SB13-062 does not reflect sound public policy for Colorado. We respectfully urge you to vote "no" when the bill is heard in the Senate Judiciary Committee (presently scheduled for January 30, 2013), and to vote "no" on any future consideration of this bill. Thank you for your consideration.

Respectfully submitted,

/s/ David A. Dixon

Northern Colorado Human Resource Association (NCHRA)

By David A. Dixon, NCHRA Legislative Director

